

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

IN THE MATTER REGARDING THE PROTECTION OF POULTRY HEALTH: IN JEFFERSON COUNTY, AND IN FLOCKS ENROLLED IN, OR QUALIFIED AS AN AFFILIATE FLOCK UNDER, THE NATIONAL POULTRY IMPROVEMENT PLAN, OR ENROLLED AS A WISCONSIN TESTED OR WISCONSIN ASSOCIATE FLOCK.

AH Docket No. 22-O-001

SUMMARY SPECIAL ORDER BANNING POULTRY MOVEMENT TO, OR PARTICIPATION IN, ANY SHOWS, EXHIBITIONS, OR SWAP MEETS IN JEFFERSON COUNTY.

INTRODUCTION

The State of Wisconsin Department of Agriculture, Trade and Consumer Protection (Department), by the State Veterinarian, based upon its efforts to protect Wisconsin's poultry industry from the spread of highly pathogenic avian influenza (HPAI) virus, a deadly, communicable virus among poultry, makes the following findings of fact and conclusions of law and issues the following summary special order to persons with flocks enrolled in Wisconsin poultry programs, prohibiting movement of the poultry to shows, exhibitions, and swap meets in Jefferson County in Wisconsin:

FINDINGS OF FACT

(1) The Department is responsible for administering Wisconsin's animal health program under ch. 95, Wis. Stats. The program is designed to protect the health of animals in this state and to prevent, control, and eradicate communicable diseases among animals. The Department has broad authority to adopt rules interpreting statutes under its jurisdiction (see s. 93.07(1), Wis. Stats.).

(2) To protect the health of animals located in this state and of humans residing in this state, the Department may establish, maintain, enforce, and regulate quarantines and other measures relating to the importation, movement, and care of animals and their products, the disinfection of suspected localities and articles, and the disposition of animals, as the Department determines are necessary (see s. 93.07(10), Wis. Stats.).

(3) The Department may prohibit or regulate the importing of animals into this state or the movement of animals within the state if the Department has reasonable grounds to believe that regulation or prohibition is necessary to prevent the introduction or spread of a disease in this state that threatens the health of animals or of humans (see s. 95.20, Wis. Stats.).

(4) A veterinarian, the Department of Natural Resources, or a person who diagnoses or obtains credible diagnostic evidence of specified diseases must report the disease to the Department within one (1) day of discovery of the disease in any animal in this state (see s. 95.22(1), Wis. Stats., s. ATCP 10.03(1), and ch. ATCP 10 Appendix A, Wis. Admin. Code). For poultry, Avian Influenza (AI) is one of the diseases specified for required reporting.

(5) To ensure that poultry is disease-free, and to facilitate the movement of poultry in Wisconsin, persons can enroll their poultry flock in any of the following programs: the national poultry improvement plan, an affiliate flock under the national poultry improvement plan, a Wisconsin tested flock, or a Wisconsin associate flock. All of these programs are administered through the Department. If poultry is not enrolled in one of these programs, it must be individually tested for certain diseases before it can be moved.

(6) AI viruses can be classified as highly pathogenic (HPAI) or low pathogenic (LPAI) strains based on the severity of the illness they cause. HPAI is an extremely infectious and fatal form of the disease that, once established, can spread rapidly from flock to flock. LPAI typically causes only minor illness and sometimes manifests no clinical signs. However, some LPAI virus strains are capable of mutating under field conditions into HPAI viruses.

(7) Outbreaks of the HPAI virus have occurred recently in 16 other states, leading to the depopulation of poultry.

(8) The HPAI virus was confirmed at a commercial poultry flock in Jefferson County, Wisconsin, on Monday, March 14, 2022. This is the first confirmed case of HPAI in Wisconsin since 2015. The Department and the United States Department of Agriculture are working closely with animal health officials on a joint incident response. The affected premises will not move poultry products and birds on the property will be depopulated to prevent the spread of the disease. Birds from the flock will not enter the food system.

(9) While lethal to domestic poultry, the strain of virus detected in Wisconsin is not known to have caused disease in humans and is not expected to pose a risk to public health or the food supply.

(10) There is no known treatment that cures the HPAI virus.

(11) Transmission can be minimized by limiting the commingling of poultry between farms, and by poultry producers using proper biosecurity methods, including washing trucks and trailers between loads, washing and disinfecting boots and clothing, and establishing a line of separation between clean and dirty areas.

(12) During the spring season, Wisconsin poultry producers often participate in shows, exhibitions, and swap meets with other poultry producers.

(13) No person may use poultry or farm-raised game birds or their eggs for breeding or hatching, or for exhibition at a fair or livestock exhibition, unless the birds originate from a flock enrolled in the national poultry improvement plan (and meet certain classifications), a flock that qualifies as an affiliate flock under the national poultry improvement plan, or a flock that is enrolled as a Wisconsin tested flock or a Wisconsin associate flock. In the case of individual birds, other requirements must be met (see s. ATCP 10.40(1), Wis. Admin. Code.).

(14) Flocks that are enrolled in programs described in par. (13) must meet specified disease testing and may not be commingled with any birds that are not part of the enrolled flock, except at shows and

exhibitions where all birds have tested negative for certain diseases (see ss. ATCP 10.40(4) and (6), Wis. Admin. Code.). This provision also applies to individual birds under par. (13).

(15) Often, poultry at these shows, exhibitions, and swap meets are commingled with other poultry. These poultry may be exposed to the HPAI virus, return home, and possibly expose additional poultry at the farm-of-origin to the disease.

(16) Due to the risk of exposure to HPAI and the risk of spreading HPAI, flock owners should not participate in any shows, exhibitions, or swap meets in the county where the Department has identified HPAI in poultry (Jefferson County).

CONCLUSIONS OF LAW

(1) Under chs. 93 and 95, Wis. Stats., the Department has jurisdiction over the protection of the health of animals in this state and the authority to prevent, control, and eradicate communicable diseases among animals through quarantines and other measures. The Department is authorized to take this action to protect poultry health in Wisconsin.

(2) The HPAI virus is a communicable disease that is extremely infectious and fatal, and, once established, could spread rapidly from flock to flock.

(3) Commingling of poultry with other poultry increases the chances of exposure to HPAI. Returning the same poultry to their home farms increases the likelihood of spreading the disease. Limiting the commingling of poultry with other poultry will prevent and control the spread of the HPAI virus.

(4) Regulating and prohibiting the movement of poultry to shows, exhibitions, and swap meets is necessary to prevent the spread of the HPAI virus in Wisconsin that threatens the health of poultry in this state.

ORDER

Based upon the above stated findings of fact and conclusions of law, and, in accordance with ss. 93.07(10) and 95.20, Wis. Stats., IT IS HEREBY ORDERED that:

(1) Poultry are banned from any movement to, or participation in, any shows, exhibitions, and swap meets held in Jefferson County in Wisconsin.

(2) Persons owning a flock enrolled in the national poultry improvement plan, a flock that qualifies as an affiliate flock under the national poultry improvement plan, or a flock that is enrolled as a Wisconsin tested flock, or a Wisconsin associate flock may not move any poultry to, or participate in, any show, exhibition, or swap meet in Jefferson County in Wisconsin.

(3) This order will remain in effect through May 31, 2022.

Dated this __15th__ day of March, 2022

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

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